

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CONTENTGUARD HOLDINGS, INC.	§	
	§	
v.	§	Case No. 2:13-CV-1112-JRG
	§	
AMAZON.COM, INC., ET AL.	§	

CONTENTGUARD HOLDINGS, INC.	§	
	§	
v.	§	Case No. 2:14-CV-61-JRG
	§	
GOOGLE, INC.	§	

**MINUTES FOR PRETRIAL CONFERENCE
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
September 1, 2015**

OPEN: 9:05 a.m.**ADJOURN: 2:00 p.m.**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANTS:	See attached.
LAW CLERKS:	James Wang Emily Chen
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Jan Lockhart

TIME	MINUTES
9:05 a.m.	Court opened. Counsel announced ready for hearing.
	Trial September 14, 2015, 9:00 a.m. Google-Samsung trial will be first. Patent video to be shown to venire panel. 45 minutes for voir dire; of this time allotment, c counsel may use three minutes of the time for a nonargumentative high level overview of the case. Eight jurors to be selected; 4 challenges per side. Trial will begin on the 14 th . Trial days after jury selection will begin at 8:30 a.m. each morning. Trial days will conclude around 5:30 p.m. Time to try the case is 18 hours per side; this time excludes opening statements, closing argument and jury selection. 30 minutes per side for opening statements. 40 minutes per side for closing argument.
	Court will be in chambers each morning by 7:30 a.m. Parties to exchange demonstratives by 7 p.m. the night before they are to be used. Objections to the demonstratives must be lodged by 9:00 p.m. Deposition clip objections on a rolling basis, during the morning the day before the clip is to be used.
9:17 a.m.	Court's expectations of charge conference discussed.
	Instructions for counsel/witnesses not to use first names when examining witnesses.
	Sealing of the Courtroom procedures discussed. Redactions of record discussed.

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TIME	MINUTES
	Questionnaires to be returned to clerk's office by 5:00 p.m. on September 14, 2015.
	Juror notebooks discussed. 10 notebooks to be delivered to Court on September 11, 2015 by 3:00 p.m. Notebooks should contain patents-in-suit, claim construction chart, page for each witness (a head and shoulders photograph for the witness and ruled lines), 3-hole punched legal pad and a ball point pen – nonclicking pen.
9:27 a.m.	Court rulings. Kelly <i>Daubert</i> motion carried.
	Court rulings with respect to issues regarding Stefik patents, Isaacson.
	Nondisclosure PX 1141, denied. Pre-admitted. To be redacted.
	Mr. Brian Anderson and Mr. Leletiu indicated the parties had reached agreement as to Apple's request for trial setting denied as moot.
	Defendant's Motion to Adopt Claim Construction Clarification as Part of Jury Instructions denied without prejudice.
	Procedures for Judgments as a Matter of Law discussed, after all evidence presented by both sides and before case goes to jury.
9:34 a.m.	Court heard argument on Apple's Motion to Compel Production of Documents Related to Dozois Memorandum – Waiver of Privilege – Amazon License (Dkt.869). Mr. Pritikin and Mr. Brian Anderson argued on behalf of Apple. Mr. Maier argued on behalf of Samsung. Mr. Leletiu argued on behalf of ContentGuard.
10:02 a.m.	Court ruling.
10:03 a.m.	Recess.
10:34 a.m.	Court clarification on prior rulings.
10:35 a.m.	Court heard argument on ContentGuard's Emergency Motion to Preclude Defendants' from Relying on Certain Alleged Prior Art Combinations (CNI Proceedings Book) (Dkt. No. 863). Mr. Leletiu argued on behalf of ContentGuard. Mr. Unikel argued on behalf of Google.
10:44 a.m.	Court ruling.
10:45 a.m.	Court requested update on agreements on trial exhibits. Mr. Brian Anderson addressed Apple's position.
	Mr. Unikel addressed Google/Samsung/ContentGuard trial exhibit agreements.
	Mr. Unikel argued objections to PX 103, 129 exhibits. Mr. Leletiu argued on behalf of Plaintiff.
10:52 a.m.	Court ruling.
10:53 a.m.	Mr. Unikel argued Google/Samsung's objection to PX 514. Ms. Englemann argued on behalf of Plaintiff.
11:03 a.m.	Court ruling.
11:04 a.m.	Mr. Unikel argued Google/Samsung's objection to PX635, 642 and 643. Ms. Englemann argued on behalf of Plaintiff.
11:28 a.m.	Court rulings.
11:32 a.m.	Mr. Maier argued as to Samsung's objections to Plaintiff's exhibits PX733.015, .053, .055 and PX 148. Ms. Truelove argued for Plaintiff.
	Court rulings.
11:42 a.m.	Courtroom sealed.
	Mr. Maier argued objection to PX733.055. Ms. Truelove responded.

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11:46 a.m.	Court ruling.
11:47 a.m.	Mr. Maier argued Samsung's objection to PX 148. Mr. Leletiu argued on behalf of Plaintiff.
	Court carried ruling.
11:57 a.m.	Courtroom unsealed.
12:00 p.m.	Court recess until 1:00 p.m.
1:11 p.m.	Court reconvened.
	Court rulings. Mr. Pritikin addressed items remaining concerning Apple objections. Dkt No. 483 – interaction of Motion in Limine and Daubert rulings on damages experts, Google Play app.
1:19 p.m.	Mr. Brian Anderson addressed remaining objections to exhibits by Apple.
	PX 1152, 1157 and 1158 issues resolved.
1:21 p.m.	Mr. Leletiu addressed objections to Apple exhibits AX 353, 347, 364, 365 and 367. Courtroom sealed.
1:25 p.m.	Mr. Brian Anderson argued as to Apple's objection to PX 145. Mr. Leletiu argued on behalf of Plaintiff. Mr. Unikel argued on behalf of Samsung.
1:35 p.m.	Courtroom unsealed. Apple's Motion for Reconsideration addressed. Mr. Pritikin argued on behalf of Apple. Mr. Leletiu argued on behalf of Plaintiff.
	Court carried ruling.
1:47 p.m.	Mr. Pritikin addressed the Steve Jobs quote. Ms. Truelove argued on behalf of Plaintiff. Court ruling not excluding or including exhibit. Counsel to approach the bench before using.
2:00 p.m.	Court adjourned.